

REMARKS

Reconsideration of the above-identified application is respectfully requested.

Claims 11 and 16 were rejected as indefinite. The Examiner asserts that "the limitations dealing with the structure of the nested slides can be read as belonging to either telescopic member." This is **clearly erroneous** because it ignores express claim language; viz. "wherein at least said second telescoping member includes."

(1) The claim does not further define the first telescoping member. This is not indefiniteness. It relates to breadth. The first channel may or may not include nested slides as recited in claims 11 and 16. Whether it does or not is not part of the invention as claimed in claims 11 and 16. Applicants are the ones who define their invention, not the Examiner; 35 USC 112, ¶2

(2) The claim language specifically refers to the second telescoping member. The Examiner is not permitted to read it otherwise.

(3) An Examiner may not re-write a claim. Rejecting the claim as re-written ("this is how [the first telescoping member] is treated in the art rejection of claims 11 and 16 below") is improper examination.

(4) In his Response to Arguments, the Examiner asserts that "The location as limited by the claims places the structure of the nested slides on the first telescopic member mounted on the floor of the vehicle. The applicant [sic] alludes to them being on the second telescopic member, but this is not how the invention is claimed." The claims recite "said second telescoping member includes at least two nested slides." Nothing could be more clear yet the Examiner does not see it. There is no allusion involved. The language of the claims is plain, clear, and concise.

(5) The Examiner asserts "dependent claims 12 and 23 clearly claims [sic] the channels on the first telescopic member." This is **clearly erroneous** because there is no such claim language and the Examiner has conveniently, for himself, not identified any. The Examiner is ignoring express claim language to the contrary; viz. "said first slide ... said channels." These are the slides and channels recited in the **second** telescoping member in parent claims 11 and 16. One may not read the word "said" out of the claims.

Claims 11 and 16 have been rejected as anticipated by Williams et al. The Williams et al. patent does not disclose or suggest the recited construction of the second telescoping member.

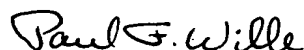
Claims 12, 13, 23, and 24 were rejected as unpatentable over Williams et al. in view of Walkden. Neither patent discloses or suggests a telescoping member not attached to a vehicle that has the recited construction.

Claims 15, 26, and 27 were rejected as unpatentable over Williams et al. in view of Ringdahl et al. The Ringdahl patent does not disclose motion along two orthogonal axes. How can the patent teach a single switch for such?

The Office Action does not comply with Rule 104 (a) and (b) and is improper. There is no prima facie case when the claims are not examined **as written**.

In view of the foregoing remarks, it is respectfully submitted that claims 11, 12, 13, 15, 16, 23, 24, 26, and 27 are in condition for allowance and a Notice to that effect is respectfully requested.

Respectfully submitted,



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